DETAILED ACTION

1.   Applicant's election with traverse of species IV (claims 14-27 and 30) in
the reply filed on August 07, 2009 is acknowledged. The traversal is on the
ground(s) that species are not mutually exclusive. This is not found persuasive
because figure 2 and relevant description P[0027] describes invention of
buffering packets where controller calculates slot position based on packet's
timestamp (i.e. claim 1). Figure 3 and relevant description P[0031] describes
invention of buffering frames (i.e. claim 6). Claim limitations and instant
specification clearly shows species are mutually exclusive. The requirement is
still deemed proper and is therefore restriction requirement is maintained. Claims
1-13 and 28-29 are withdrawn. Claims 1-30 are pending. The applicant is
respectfully requested to cancel the withdrawn claims.

2.   The applicant should always use the period for response to thoroughly
and very closely proof read and review the whole of the application for correct
correlation between reference numerals in the textual portion of the Specification
and Drawings along with any minor spelling errors, general typographical errors,
accuracy, assurance of proper use for Trademarks ™, and other legal symbols
®, where required, and clarity of meaning in the Specification, Drawings, and
specifically the claims (i.e., provide proper antecedent basis for "the" and "said"
within each claim). Minor typographical errors could render a Patent
unenforceable and so the applicant is strongly encouraged to aid in this
endeavor.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

3.   Claims 21-27 are rejected under 35 U.S.C. § 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

In particular, claim 21 recites in the preamble "an apparatus...comprising"

The body of claim recites "first buffer, second buffer, third buffer and decoder"

each limitation is software. A system or an apparatus claim should always claim

the structure or the hardware that performs the function. Applicant's claimed

limitations consist of software that does not describe the structure of the device.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

4.   Claims 14-27 and 30 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

Regarding claim 14, it is a method claim and thus must meet the particular

machine or transformation test as set forth in *Bilski*. In this case, there is no

particular machine or particular transformation. Rather, the claim seems to

consist entirely of software which is not patentable per se. Claims 15-20 do not

recite any particular machine or transformation that would render the claims
patentable subject matter. Therefore, they are rejected based on their
dependency.

Claim 21 recites in the preamble "an apparatus...comprising" The body of
claim recites "first buffer, second buffer, third buffer and decoder" each limitation
is software. Therefore claim 21 is non-statutory because it is directed towards
software, per se, lacking storage on a medium, which enables any underlying
functionality to occur. It is not clear whether instructions are in executable form
and therefore there is no practical application.

As to claim 30, the claimed invention is directed to non-statutory subject
matter. The claim is directed to communication media such as carrier. This is
form of energy; therefore the claim is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35
U.S.C. 102 that form the basis for the rejections under this section made in this
Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

5.   Claims 14-27 and 30 are rejected under 35 U.S.C. 102(e) as being

anticipated by Welin (U.S. Patent Number 6,975,629) hereinafter referred as

Welin.

As to claim 14, Welin teaches a method of scheduling of rendered content,

comprising:

buffering a plurality of packets (Column 1, lines 63-65);

assembling said plurality of packets into a plurality of encoded frames;

buffering said plurality of encoded frames (Column 28, lines 62-67);

decoding a portion of said plurality of encoded frames into a plurality of

decoded frames (Column 15, lines 1-9); and

buffering said plurality of decoded frames (Column 15, lines 17-20).

As to claim 15, Welin teaches the method of claim 14, further comprising:

forwarding said plurality of decoded frames to a rendering system (Column 15,

lines 1-9).

As to claim 16, Welin teaches the method of claim 14, wherein said

buffering a plurality of packets comprises storing said plurality of packets into a

buffer in accordance with at least a timestamp or a sequence number of each of

said packets such that at least one placeholder is inserted between two adjacent

packets having non-successive timestamps or sequence numbers (Column 16,

45-55).

As to claim 17, Welin teaches the method of claim 14, wherein said

buffering said plurality of encoded frames comprises: storing said plurality of

encoded frames into a buffer; and deleting selectively one or more of said stored plurality of encoded frames (Column 56, lines 63-67).

As to claim 18, Welin teaches the method of claim 14, wherein said buffering said plurality of decoded frames comprises: storing said plurality of decoded frames into a buffer; and providing said decoded frames to a media renderer in a real time application (Column 15, lines 1-9).

As to claim 19, Welin teaches the method of claim 14, where at least one of said buffering step is adjusted in accordance to a predefined quality of service (Column 8, lines 23-31).

As to claim 20, Welin teaches the method of claim 14, where at least one of said buffering step is adjusted in accordance to a change in network condition (Column 18, lines 20-25).

Claims 21-27 and 30 do not teach or define any new limitations other than above claims 14-20. Therefore, claims 21-27 and 30 are rejected for similar reasons.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its

entirety as potentially teaching of all or part of the claimed invention, as well as
the context.

6.   Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Faruk Hamza whose telephone number is
571-272-7969. The examiner can normally be reached on Monday through
Friday.

        If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax
phone number for the organization where this application or proceeding is
assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for unpublished applications is available through Private PAIR only. For more
information about the PAIR system, see http://pair-direct.uspto.gov. Should you
have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2455

/Faruk Hamza/
Examiner, Art Unit 2455